Next Meeting: Wednesday, July 19, 2006

9:30 a.m. - 12:00 p.m.

Location: 1001 I Street

Training Rooms East/West, 1st floor Sacramento, California 95812

<u>Members Present:</u> (6), Linda LaVanne- Agricultural Pest Control Advisers, Barbara Todd- Department of Food and Agriculture (Ex-Officio), Ronald Berg- Pest Control Dealers, Tim Butler – Registrants, Scott Hudson- County Agricultural Commissioner Association and Mary Louise Flint-UCIPM

<u>Department Staff:</u> (7) David Duncan- Chair of Committee (Ch), Paul Gosselin-Chief Deputy Director DPR, Scott Paulson, Mac Takeda, Regina Sarracino, Cynthia Ray, and Rayven Jenkins

<u>Guests:</u> (5) Terry Gage- California Ag Aircraft Association, Judy Letterman – PAPA, Susan Cohen- University of California, Terry Stark-CAPCA, , and Nasser Dean-WPHA

<u>Members Absent:</u> (4)–, David De Silva – Board of Governors of the Community Colleges, Elaine Hale – Commercial Applicator Certificate Holders, Richard Stoltz- Pest Control Aircraft Pilots, and Jean La Duc- General Public.

<u>Member Vacancies:</u> (4)- Vacant – Pest Control Businesses, Vacant – Producers FAC section 56115, Vacant- and Maintenance Gardener Pest Control Business, Vacant-California State University System

AGENDA

9:30-9:35 Introduction of members and others in attendance and review of agenda

David Duncan, Department of Pesticide Regulation (DPR)

9:35-9:40 Review and approval of March 22, 2006 meeting minutes

Committee

The committee approved the minutes as corrected. 11:35 - Should read, "The Category A, B, and Q study guides would be <u>compendiums</u> for the categories, and the main study material suggested", instead of "appendiums".

9:40-10:00 Report on 2006/07 Licensing renewal, website changes, rulemaking update for

private applicator continuing education and PCA minimum qualifications, renewal

schedule on book mark

Mac Takeda, David Duncan, DPR

Report on 2006/07 Licensing renewal

The renewal timeline is on schedule. One change from last year is that the business and individual renewals will be sent out at the same time in September.

Renewals will be sent out the early part of September. Also we will be sending out a renewal reminder notice in August to all renewal applicants this year. In the past, the processing and mailing of the renewals had to be sent out to bid, which caused some problems due to contracting out the

work. This year Air Resources Board's print shop in our building may have new equipment and we can print, fold and mail in-house.

Mac is currently working on an article on renewals.

Renewal schedule on bookmark

The Bookmarks this year, are generic dated renewal reminders, and will be in color. 60,000 bookmarks will be made for individual licenses and 25,000 for the business licenses. The Bookmarks will be sent out in August to renewal applicants. David Duncan said perhaps DPR could make magnetic bookmarks in the future.

Website changes

Valid individual and business licenses are now listed by county on the website. Mac and IT are also working on an invalid business license list.

The updated County Registration requirements for adviser, pilots, pest control businesses and maintenance gardener pest control businesses are now on the Website. Structural Pest Control Operators and Field Labor contractors county registration requirements will also be posted on the website this month or next.

Rulemaking update for private applicator continuing education and PCA minimum qualifications

The Office of Administrative Law (OAL) approved the adoption of Title 3, California code of Regulations (3CCR) sections 6580, 6582, and 6584 regarding Private Applicator's renewal requirements. Private applicators can either provide Continued Education for their 3-year renewal, or they may test again.

The PCA minimum qualification regulations will probably be noticed by the end of the year. The PCA grade point average has been agreed upon in regards to the PCA minimum qualifications. The average grade point is 2.0. Terry Stark (CAPCA) would like to embrace the idea of CAPCA providing outreach to the schools to help guide them in meeting the requirements. The committee concurred with the idea.

It would be helpful for CAPCA to assist us in letting the schools know what the knowledge expectations and college accredited course work are to become a licensed agricultural pest control adviser.

Study Material Completed

The Pest Control Aircraft Study Guide has been completed. It will be used to determine the competency of Pest Control Aircraft Pilots through the examination process.

Practice of Increasing the Dosage Rate

DPR is concerned about the practice of increasing the dosage rate (doubling the dose) of an application by tank mixing two separate pesticide products containing the same active ingredient.

A DPR Enforcement letter (ENF 06-23) was sent to US EPA discussing double dosing. US EPA has not responded to DPR's letter yet.

10:00-10:20 DPR licensing fee discussion

Paul Gosselin, Chief Deputy Director, DPR

The licensing fee structure was changed 3 yrs ago in 2003 as part of a trailer bill (SB 1049) that allowed DPR to set fees to cover costs of licensing activities. DPR has broad authority to adjust fees, via emergency regulation, to cover the costs of the registration and licensing programs and set the fee schedule to ensure that program costs are covered. No fees are covered by Mill assessment fees or the general fund.

Exams, CE, Renewals, -fee chart

At the time (2003) the fees were not sufficient to cover program costs, so the fees were adjusted upward using an inflation indicator.

At the same time a system of functional accounting was developed between the seven DPR branches.

Accounting was figured on a matrix base, not on an organizational basis, which developed true costs that cover 95% of what DPR does.

Cost numbers, operational plan, and pie charts are on the DPR website. There is a consistent pattern of expenditures, which are about 10% less than fee revenue. All monies go into DPR fund, including mill assessment fees.

What would work best? DPR Proposal:

- Evaluate and revise fees on 3 yr cycle
- Maintain costs/revenue within 5-10%
- DPR would continue to track and report on costs/revenue through the 2007-2008 yr.
- Adjustments would occur in 2009.

Mary Louise Flint-UCIPM- asks if these calculations include funding for study material and examination development, and revisions. She feels that money should be included for developing study materials and exam questions. Paul explained that if DPR under expends, it is possible to do projects at the end of the year, but DPR cannot legally over expend actual costs.

How Do You Feel?

DPR would like to explore alternatives in restructuring the fees in a way that will generate the appropriate revenue and establish a clear and predictable fee review cycle and threshold criteria. If you have comments on:

- Alternative fee proposals
- If you recommend lowering some fees then some others must be increased to offset

Please e-mail comments so they can be tracked. Submit comments by September 1, 2006 to feeinput@cdpr.ca.gov

10:20-10:45 DPR's Air Initiative

Paul Gosselin, Chief Deputy Director, DPR

Work in progress: Pesticides and volatile organic compounds (VOCs.)

Pesticides are in top 10 of VOC emissions.

One main facet is determining the VOC emissions. Pesticide Use Reports (PUR) determine VOC emissions although it doesn't take into effect daytime/nighttime/plant residue, etc.

- VOC emission patterns parallel pesticide use
- More than 90% of emissions are from Agricultural sources except in the south coast.
- Fumigants are highest contributors in all areas
- Liquid emulsifiable concentrates are high contributors.
- 1994 pesticides SIP mainly affects the San Joaquin valley

Goals

- Reduce the VOC emissions to meet existing commitments by 2008. DPR has committed to VOC reductions that will meet state air quality standards, and set a national standard for pesticides by 2008.
- Reduce the human health risk from pesticide exposures
- Develop a new commitment for the state implementation plan by 2007

Data assumes 100% emissions. DPR will put together regulation packet in 2007 for 2008 regarding:

Four Areas

1. Fumigant emission reductions

DPR will use process that was used in the Metam-sodium plan. There was good feedback regarding research to account for reductions in emission. We need to have a regulatory action to be accountable to the Clean Air Act. The regulation package will define the fumigation practices that are happening right now. It will help to maintain better application methods and cleaner product, as well as review control technologies over the next 10-15 years.

Explore other areas and research structure to squeeze down VOC as much as possible.

- 2. Managing emissions from liquid Emulsifiable concentrates
- 2-3 yrs. VOC limit anything over 20%.
 - 3. Innovative technologies

Smart sprayers could do a lot with VOC.

What is available out there that really make sense, and how to get them out there.

4. Pest management

Strategic partnerships. Look at from air quality angle. Switching concepts, research and development.

Reduce reliance on fumigants.

Some fumigation is a necessity, but some are not. Harmonizing air quality.

Discuss Pest exclusion and air quality. Raise visibility CDFA, ARB.

Workshops will be held throughout the state and asking for public comment for 2007 SIP.

More than 700 products were originally identified in two VOC notices issued by DPR. Notice was sent to registrants to lower/reformulate active VOC ingredient to less than 20%. Most came back that

they were already under 20%. DPR plans cancellation action August 1 against 46 pesticide products, based on latest reports to DPR's Registration Branch. The Producers targeted for cancellation have failed to comply with DPR orders to submit plans to reduce their VOC emissions at least 20 %, or to justify their exemption from that DPR goal.

10:45-11:00 (BREAK TBA)

11:00-11:15 DPR's Pesticide Enforcement Initiative

DPR Enforcement staff

DPR proposes to adopt section 6128 and amend section 6130 of Title 3, California Code of Regulations. The proposed regulatory action would specify appropriate enforcement responses to be taken by the county agricultural commissioner each time a violation(s) occurs. Public hearings were held on March 16 in Sacramento, March 27 in Bakersfield, and March 28 in Salinas. The proposed regulations will provide guidance to the County Agricultural Commissioners (CAC's).

There are three violation categories.

- <u>Class A</u> violations are the most serious because hey create "an actual" health or environmental hazard. Any incident that causes an illness, for example, would be a Class A violation. A fine imposed by the commissioner would range from \$700 to \$5,000 for each Class A violation. If a case is referred to the Attorney General, the fine can be as high as \$10,000 for each Class A violation.
- Class B violations have the "reasonable possibility" of creating a health or environmental effect. The Commissioners has three choices for Class B violations. Two of them are the same as Class A violations—a fine or referral to the local district attorney or to DPR. (Fines for a Class B violation would range from \$250 to \$1,000 for each offense.) Because violations in this category are less serious than Class A, the commissioner has a third alternative. If the violator has a clean record for the previous two years in that county, the Commissioner can issue a warning letter or similar compliance action. (This alternative isn't available if the violator has a record of previous offenses within two years.) However, if the commissioner issues a compliance action for a Class B violation, he or she must send a written report to DPR explaining the basis for not taking an enforcement action. If DPR does not agree, an enforcement action is required.
- Class C violations are minor infractions that don't fall into Class A or Class B. These classifications are not new. What is new is that, for the first time, Commissioners will be directed on how to respond to violations based on what category they fall into. These are violations that do not fall under Class A or Class B. They are usually minor infractions, for example, not filing required paperwork. Commissioners can respond to Class C violations with an enforcement action (for example, a fine) or a compliance action. However, if they issue a compliance action to someone who has had a violation in the previous two years, the Commissioner has to send a written report to DPR, explaining the decision. If the DPR Director does not agree, an enforcement action is required. (If the violator has a clean record, the commissioner does not have to file a written report on a compliance action.)

Proposed regulations:

Use Enforcement-CAC's are the local Enforcement and respond to local violations.

Three major categories:

- Compliance Action –notice of violation, warning letter
- Enforcement Action-Ag civil penalty/structural civil penalty
- Referral-DPR, county district Attorney

Enforcement letter 2005-25 calls for consistent and fair enforcement throughout the state, county to county. Although SB455 didn't pass, the governor made it clear that DPR had to create consistent enforcement actions in the state.

What is new?

Fewer chances before fining

- Fine on first offense for all possible health or environmental effects.
- CAC must justify for not fining (decision report).
- DPR will review the CAC's programs for compliance with the new policy.

The third comment period for the Enforcement Initiative closes July 25.

For more info contact CAC office or the DPR regional office or www.cdpr.ca.gov

11:15-11:30 Study guides and exam update

Mary Lou Flint, UC Davis IPM Mac Takeda and Adolfo Gallo, DPR

Susan Cohen

- The 2nd addition Private Applicator Pesticide Safety manual, English version, is now available through UC Publications. The manual's translation into Spanish should be available by the end of the year.
- Landscape Maintenance compendium is at printers and will be available in August of this year.
- Maintenance Gardener study guide is being worked on now and may be in a final draft by end of this year.

11:30-11:40 Next agenda and meeting date

Committee

Meeting Date: November 2, 2006 (Thursday)

Time: 9:30 am - 12:30pm **Place:** 1001 I street

Training room 1 East and West (First Floor)

Sacramento

Questions about this agenda should be directed to David Duncan at (916) 445-3870 or dduncan@cdpr.ca.gov